

DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY  
(Under 37 CFR § 1.63; includes reference to PCT International Applications)

CURTIS, MORRIS & SAFFORD, P.C.  
File No.: 406060-2130

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention ENTITLED: ANTINEOPLASTIC COCOA EXTRACTS AND METHODS FOR MAKING AND USING THE SAME, the specification of which    is attached hereto X was filed on OCTOBER 3, 1994 as X United States    PCT Application No. 08/317,226 , with amendments through    (if applicable, give details).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT International application(s) designating at least one country other than the United State of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT International applications designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed:

Prior Foreign/PCT Application(s) [list additional applications on separate page]:

<u>Country (or PCT)</u>	<u>Application Number:</u>	<u>Filed (Day/Month/Year)</u>	<u>Priority Claimed:</u>	
			<u>Yes</u>	<u>No</u>

I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. (or U.S.-designating PCT) Application(s) [list additional applications on separate page]:

<u>U.S. Serial No.:</u>	<u>Filed (Day/Month/Year)</u>	<u>PCT Application No.</u>	<u>Status (patented, pending, abandoned)</u>
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DECLARATION FOR PATENT APPLICATION  
AND POWER OF ATTORNEY (Under 37 CFR § 1.63)

CMS Docket No. 406060-2130

I hereby appoint Leonard J. Santisi, Registration No. 24,135 and Thomas J. Kowalski, Registration No. 32,147, and Curtis, Morris & Safford, P.C., Registration No. 12,761, or their duly appointed associate, my attorneys, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to file continuation and divisional applications thereof, to receive the Patent, and to transact all business in the Patent and Trademark Office and in the Courts in connection therewith, and specify that all communications about the application are to be directed to the following correspondence address:

Leonard J. Santisi, Esq.  
c/o CURTIS, MORRIS & SAFFORD, P.C.  
530 Fifth Avenue  
New York, NY 10036

Direct all telephone calls to:  
(212) 840-3333  
to the attention of:  
Leonard J. Santisi

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

INVENTOR(S):

Signature:

*Leo J. Romanczyk*

Date:

*12 Dec. 1994*

Full name of sole or first inventor: Leo J. Romanczyk, Jr.  
Residence: 4 Fern Drive, RD #3, Hackettstown, New Jersey 07840  
Citizenship: United States

Signature:

*John F. Hammerstone, Jr.*

Date:

*12 Dec 1994*

Full name of 2nd joint inventor (if any): John F. Hammerstone, Jr.  
Residence: 526 Fulmer Road, Nazareth, Pennsylvania 18064  
Citizenship: United States

Signature:

*Margaret M. Buck*

Date:

*12 Dec 94*

Full name of 3rd joint inventor (if any): Margaret M. Buck  
Residence: 126 Lake Valley Road, Morristown, New Jersey 07960  
Citizenship: United States

Signature:

Date:

Full name of 4th joint inventor (if any):  
Residence:  
Citizenship:

Post Office Address(es) of inventors [if different from residence]:

NOTE: In order to qualify for reduced fees available to Small Entities, each inventor and any other individual or entity having rights to the invention must also sign an appropriate separate "Verified Statement (Declaration) Claiming [or Supporting a Claim by Another for] Small Entity Status" form [e.g. for Independent Inventor, Small Business Concern, Nonprofit Organization, Individual Non-Inventor].

JC930 U.S. PTO  
09/77/445  
11/21/00



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

ASSISTANT SECRETARY AND COMMISSIONER  
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98:11W 626-156

DATE: 02/16/95  
TO:

N05A

LEONARD J. SANTISI  
CURTIS, MORRIS & SAFFORD, P.C.  
530 FIFTH AVENUE  
NEW YORK, NY 10036

**UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT**

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT BRANCH OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE U.S. PATENT AND TRADEMARK OFFICE ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT ASSIGNMENT PROCESSING SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT BRANCH, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231

ASSIGNOR: ROMANCZYK, LEO J., JR. DOC DATE: 12/12/94

ASSIGNOR: HAMMERSTON, JOHN F. DOC DATE: 12/12/94

ASSIGNOR: .BUCK, MARGARET M DOC DATE: 12/12/94

RECORDATION DATE: 12/19/94 NUMBER OF PAGES 004 REEL/FRAME 7280/0920

DIGEST : ASSIGNMENT OF ASSIGNORS INTEREST

ASSIGNEE:  
M&M MARS, INC.  
HIGH STREET  
HACKETTSTOWN, N.J. 07840

SERIAL NUMBER 8-317226 FILING DATE 10/03/94  
PATENT NUMBER ISSUE DATE 00/00/00

*Shirley Simon*

EXAMINER/PARALEGAL  
ASSIGNMENT BRANCH  
ASSIGNMENT/CERTIFICATION SERVICES DIVISION

\$40-581

AD

CMS Ref. No.: 406060-2130

FORM PTO-1595 (Rev. 6-83)

**RECORDATION FORM COVER SHEET  
PATENTS ONLY**

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

<p>1. Name of conveying party(ies)  <u>LEO J. ROMANCZYK, JR., JOHN F. HAMMERSTON, JR. AND MARGARET M. BUCK</u>          Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>2. Name and address of receiving party(ies)          Name: <u>M&amp;M MARS, INC.</u>          Internal Address: <u>HIGH STREET</u>          Street Address:          City: <u>HACKETTSTOWN</u> State: <u>N.J.</u> Zip: <u>07840</u>          Additional name(s) &amp; address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>3. Nature of conveyance:  <input checked="" type="checkbox"/> Assignment  <input type="checkbox"/> Security Agreement  <input type="checkbox"/> Merger  <input type="checkbox"/> Change of Name  <input type="checkbox"/> Other          Execution Date: <u>DECEMBER 12, 1994</u></p>	<p>4. Application number(s) or patent number(s):          If this document is being filed together with a new application, the execution date of the application is: <u>08/317,226</u>          A. Patent Application No.(s)          B. Patent No.(s)          Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>5. Name and address of party to whom correspondence concerning document should be mailed:          Name: <u>LEONARD J. SANTISI</u>          Internal Address: <u>CURTIS, MORRIS &amp; SAFFORD, P.C.</u>          Street Address: <u>530 FIFTH AVENUE</u>          City: <u>NEW YORK</u> State: <u>NEW YORK</u> Zip: <u>10036</u></p>	<p>6. Total number of applications and patents involved: <u>1</u>          7. Total fee (37 CFR 3.41) <u>\$ 40.00</u>  <input checked="" type="checkbox"/> Enclosed  <input type="checkbox"/> Authorized to be charged to deposit account #03-3925          8. Deposit account number: 03-3925          (Attach duplicate copy of this page if paying by deposit account)</p>
<p>Do not use this space</p>	
<p>9. Statement and signature.          To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.  <u>THOMAS S. MORRIS</u> <u>Thomas S. Morris</u> <u>12/12/94</u>          Name of Person Signing Signature Date          Total number of pages including cover sheet, attachments, and document(s): <u>4</u></p>	
<p>Do not detach this portion          Mail documents to be recorded with required cover sheet information to:          Commissioner of Patents and Trademarks          Box Assignments          Washington, D.C. 20231</p>	
<p>Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information Systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project (0651-0011), Washington, D.C. 20503.</p>	

Curtis, Morris & Safford, P.C.  
File No.: 406060-2130  
Serial No.: 08/317,226  
Filing Date: October 10, 1994

#### ASSIGNMENT

We, LEO J. ROMANCZYK, JR.; JOHN F. HAMMERSTONE, JR. AND MARGARET M. BUCK, who reside respectively at: 4 FERN DRIVE, ROAD #3, HACKETTSTOWN, NEW JERSEY 07840; 526 FULMER ROAD, NAZARETH, PENNSYLVANIA 18064 AND 126 LAKE VALLEY ROAD, MORRISTOWN, NEW JERSEY 07960, have made certain inventions or discoveries (or both) set forth in an application for Letters Patent of the United States of America entitled: **ANTINEOPLASTIC COCOA EXTRACTS AND METHODS FOR MAKING AND USING THE SAME**, which application was executed by us and M&M MARS, whose address is HIGH STREET, HACKETTSTOWN, NEW JERSEY 07840, and which, together with its successors and assigns is hereinafter called "Assignee," is desirous of acquiring the title, rights, benefits and privileges hereinafter recited, and of confirming the same or any part thereof heretofore acquired by Assignee.

Now, therefore, for valuable consideration furnished by Assignee to us, receipt and sufficiency of which we hereby acknowledge, we hereby, without reservation:

1. Assign and convey to and confirm in Assignee the entire right, title and interest in and to said inventions and discoveries, said application for Letters Patent of the United States of America, any and all other applications for Letters Patent on said inventions and discoveries in whatsoever countries, including all divisional, renewal, substitute, continuation and Convention applications based in whole or in part upon said inventions or discoveries or upon said applications, and any and all Letters Patent and reissues and extensions of Letters Patent granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon or arise from said inventions, said discoveries, said applications and said Letters Patent;

2. Authorize Assignee to file patent applications in any or all countries on any or all of said inventions and discoveries in our names or in the name of Assignee or otherwise as Assignee may deem advisable, under the International Convention or otherwise;

3. Authorize and request the Commissioner of Patents of the United States of America and the empowered officials of all other governments to issue or transfer all said Letters Patent to Assignee, as assignee of the entire right, title and interest therein or otherwise as Assignee may direct;

4. Warrant that we have not knowingly conveyed to others any right in said inventions, discoveries, applications or patents or any license to use the same or to make, use or sell anything embodying or utilizing any of said inventions or discoveries; and that we have good right to assign the same to Assignee without encumbrance;

5. Bind our heirs and legal representatives, as well as ourselves to do, upon Assignee's request and at its expense, but without additional consideration to us or them, all acts reasonably serving to assure that the said inventions and discoveries, the said patent applications and the said Letters Patent shall be held and enjoyed by Assignee as fully and entirely as the same could have been held and enjoyed by us or our heirs or representatives if this assignment had not been made; and particularly to

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execute and deliver to Assignee all lawful application documents including petitions, specifications, and oaths, and all assignments, disclaimers, and lawful affidavits in form and substance as may be requested by Assignee; to communicate to Assignee all facts known to us relating to said inventions and discoveries or the history thereof; and to furnish Assignee with any and all documents, photographs, models, samples and other physical exhibits in our control or in the control of our heirs or legal representatives and which may be useful for establishing the facts of our conceptions, disclosures, and reduction to practice of said inventions and discoveries.

The effective date of this instrument is the 3rd day of October 1994.

In testimony of which we have affixed our signatures.

Leo J. Romanczyk, Jr.  
LEO J. ROMANCZYK, JR.  
John F. Hammerstone, Jr.  
JOHN F. HAMMERSTONE, JR.  
Margaret M. Buck  
MARGARET M. BUCK

State of New Jersey )  
County of Morris ) ss.:

On this 12th day of December 1994 before me appeared LEO J. ROMANCZYK, JR., to me known and known to me to be the person described in and who executed the foregoing instrument and he acknowledged the same to be his free act and deed.

Carol J. Mollenhour  
Notary Public  
CAROL J. MOLLENHOUR  
NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES 3/22/97

(OFFICIAL SEAL)

State of )  
County of ) ss.:

On this day of 199 before me appeared, to me known and known to me to be the person described in and who executed the foregoing instrument and he acknowledged the same to be his free act and deed.

Notary Public

(OFFICIAL SEAL)

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State of New Jersey )  
 ) ss.:  
County of Morris )

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On this 12th day of December 1994 before me  
appeared JOHN F. HAMMERSTONE, JR., to me known and known to me to be  
the person described in and who executed the foregoing instrument  
and he acknowledged the same to be his free act and deed.

*Carol J. Mollenhour*  
\_\_\_\_\_  
Notary Public

(OFFICIAL SEAL)

CAROL J. MOLLENHOUR  
NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES 6/22/97

State of New Jersey )  
 ) ss.:  
County of Morris )

On this 12th day of December 1994 before me  
appeared MARGARET M. BUCK, to me known and known to me to be  
the person described in and who executed the foregoing instrument  
and he acknowledged the same to be his free act and deed.

*Carol J. Mollenhour*  
\_\_\_\_\_  
Notary Public

(OFFICIAL SEAL)

CAROL J. MOLLENHOUR  
NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES 6/22/97

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